

Minutes of the Ashburnham Zoning Board of Appeals
June 24, 2009

Present: David Perry, Chairman, Joseph Daigle, Terry Girouard, Cheryl Anderson
and Mark Carlisle

Absent: 0

Hearing: #09-03
Time: 7:31 PM

1. David opened the hearing at 19:31 hours
 - A. Introduced the Board
 - B. Reads appeal notice
 - C. Explains the rules
2. David turns hearing over to applicant's Lawyer Henry Sans, 213 School St, Gardner, MA
 - A. Split property
 - B. Transfer 5,679 sq. st. from Hebert to Bresnahan
3. David advises board that Mrs. Bresnahan's grandson works for him.
 - A. Board members find no conflict present
 - B. Applicant finds no conflict present
4. Joe asks if both buildings are presently serviced by town sewer per 310 CMR 15.010.
Yes
5. David asks why ask for variance under 1.42 rather than special permit
 - A. Extensive legal answer with case presidents. Under 40A-6
 - B. Cox v/Caver 677 WC2nd 699
Rockwood v/Snow 566 NC2nd 608
6. Mark speaks to building inspector denial
7. Cheryl speaks to 1.42
8. Attorney Sans speaks to non-conforming
9. David asks why they came before us. Answered
10. Attorney Sans addresses Dave's concerns
11. Joe makes motion that 1.42 applies
 - A. Cheryl 2nds
 - B. Discussion
 - C. Vote: Unanimous to find that 1.42 applies and a SP maybe sought

12. Attorney Sans entered 3 page explanation of variance request and case law basis #1 of 1
13. David asks Attorney Sans for explanation of future deed problems. Answered
14. David asks Board if they have any further questions. Non
15. David explains Rules of Appeal process
16. Attorney Sans states that they understand the explanation of appeal process
17. David closes hearing at 20:15 hours
18. Cheryl makes motion to enter deliberation
 - A. Marks 2nds
 - B. Vote: Unanimous to enter
19. David asks about change to variance
20. Cheryl discusses numbering lots
21. Mark questions changing from variance to SP and vise/versa
22. Joe makes motion to deliberate a variance of 1.42 under Chapter 40A-Section 6
 - A. 2nd by Cheryl
 - B. Vote Unanimous to move
23. David makes motion to grant variance with plans submitted by applicant
 - A. 2nd by Cheryl
 - B. Deliberation
 - C. Vote: Unanimous to Grant
24. Board discusses general business
25. Motion to adjourn by David @ 21:03 hours
 - A. 2nd by Joe
 - B. Vote Unanimous

Respectfully submitted;

Joseph B. Daigle, Clerk